

UNITED STATES DISTRICT COURT

LEMON BAY PARTNERS, LLP District of Delaware

v.

BRUCE L. HAMMONDS, KENNETH A.  
VECCHIONE, RICHARD K. STRUTHERS, JOHN R.  
COCHRAN, III, LANCE L. WEAVER, CHARLES C.  
KRULAK, MICHAEL G. RHODES, JOHN W.  
SCHEFLEN, JAMES H. BERICK, MARY M. BOIES  
BENJAMIN R. CIVILETTI, WILLIAM L. JEWS,  
RANDOLPH D. LERNER, STUART L.  
MARKOWITZ, WILLIAM B. MILSTEAD, LAURA  
S. UNGER and THOMAS G. MURDOUGH,  
and  
MBNA CORP., Nominal Defendant

SUMMONS IN A CIVIL CASE

CASE NUMBER: 05-Civ-327-GMS

TO: (Name and address of Defendant)

Charles C. Krulak  
c/o Rick Pepperman  
Sullivan & Cromwell LLP  
125 Broad Street  
New York, New York 10004-2498

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)  
Robert R. Davis  
Chimicles & Tikellis LLP  
One Rodney Square  
P.O. Box 1035  
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

JUL 27 2005


CLERK

DATE

*Evette Watson*

(By) DEPUTY CLERK

SAO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <div style="text-align: center; font-size: 1.2em;">July 28, 2005</div>	
NAME OF SERVER (PRINT) <div style="text-align: center; font-weight: bold;">Danny P. Randolph, Jr.</div>	TITLE <div style="text-align: center; font-weight: bold;">Process Server</div>	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____		
<b>XX</b> Other (specify): <u>Served: Charles C. Krulak, served by mail to party's agent Rick Pepperman, Sullivan &amp; Cromwell LLP, 125 Broad Street, New York, New York 10004-2498 per agreement.</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>7/28/05</u> <div style="text-align: center; font-size: 0.8em;">Date</div>	<div style="text-align: center;">   <div style="text-align: center; font-size: 0.8em;">Signature of Server</div> <div style="text-align: center; font-weight: bold;">Chimicles &amp; Tikellis LLP</div> <div style="text-align: center; font-weight: bold;">One Rodney Square</div> <div style="text-align: center; font-weight: bold;">Wilmington, DE 19801</div> <div style="text-align: center; font-size: 0.8em;">Address of Server</div> </div>	

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.